

FACT SHEET

FACT SHEET FOR THE ISSUANCE OF A NPDES PERMIT

United States Environmental Protection Agency
Region 5, NPDES Programs Branch - WN-16J
77 West Jackson Boulevard
Chicago, IL 60604

Public Notice No.:

Public Notice Issued On:

Comment Period Ends On: February 5, 2002

Permit No.:

Facility(ies): NPDES General Permit for Discharges of Storm Water Associated with Construction Activity in Indian country within the State of Wisconsin

Background

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act) was amended to provide that the discharge of any pollutants to waters of the United States from any point source is unlawful, except if the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. In 1987, Congress reauthorized the Clean Water Act (CWA). Section 402(p)(2)(B) of the 1987 CWA requires NPDES permits for storm water discharges associated with industrial activity. On November 16, 1990, EPA published Phase I of the national storm water regulations. Sources regulated under Phase I include discharges from municipal separate storm sewer systems with populations of generally 100,000 or more and 11 categories of industrial activity. EPA has defined storm water discharges associated with industrial activity to include storm water discharges from construction sites which disturb 5 or more acres (see 40 CFR 122.26(b)(14)(x)).

On December 8, 1999, EPA published Phase II of the national storm water regulations. Phase II regulates storm water discharges from small municipal separate storm sewer systems and discharges associated with small construction activity, including construction sites which disturb between 1 and 5 acres (40 CFR 122.26(b)(15)(i)). The proposed permit will address construction sites regulated under both the Phase I and Phase II Rules. However, the requirements for small construction sites will not be effective until March 10, 2003, the date by which these sources are to comply with the Phase II storm water regulations. The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 postponed the Phase I permitting requirements for construction activities owned or operated by municipalities with populations less than 100,000 until March 10, 2003. Indian tribes are covered under this exemption and thus are not required to apply for

permits for their construction activities until the March 10, 2003 deadline.

EPA has used general permits in many regions to cover categories of surface water discharges where the characteristics of the discharges are expected to be predictable and generally consistent among the permittees, and where environmental impacts are not expected to be severe. Permittees provide notices regarding activities they wish to have covered under the permit. The requirements included in general permits are enforceable just as they would be under individual NPDES permits. EPA has used general permits extensively in non-authorized States and in Indian country to provide permit coverage for certain categories of discharges. The use of general permits, rather than individual permits, reduces the administrative burden for both the regulated community and for the Agency, while still providing effective controls on surface water discharges.

Storm water discharges associated with industrial activity, including discharges from construction sites have been generally addressed through general permits issued by EPA and State NPDES authorities. In 1992, EPA issued a general permit for storm water discharges from construction sites in non-authorized NPDES states and certain Indian country areas. That general permit, was reissued on February 17, 1998 for use in EPA Regions 1, 2, 3, 7, 8, 9 and 10, but is not effective within EPA Region 5.

The State of Wisconsin has previously been authorized by EPA to issue NPDES permits outside of Indian country, and has issued general permits to regulate the vast majority of construction site storm water discharges outside of Indian country. EPA retains the authority to issue permits within Indian country within the State of Wisconsin.

The present permit proposed for issuance to cover storm water discharges from construction sites within Indian country in Wisconsin is designed to be consistent with the EPA's February 17, 1998, construction general permit, requirements for small construction sites covered by the Phase II Rule, as well as the general permit for Land Disturbing Construction Including Clearing, Grading and Excavating Activities Which Will Result In The Disturbance of Five Or More Acres issued by the Wisconsin Department of Natural Resources (WDNR) on August 27, 2001. To achieve this, the overall structure of the permit has been modeled on the EPA permit, while the specific conditions under Part IV, (Storm Water Pollution Prevention Plans) Subpart D, (Contents of the Plan), and Part V (Storm Water Management Plans) are consistent with conditions in the WDNR's construction storm water general permit. For more information regarding the EPA general storm water permit, please see the Federal Register notices dated June 2, 1997, (proposed general permit 62 FR 29785) and February 17, 1998 (Final General Permit 63 FR 7858).

Additional information is given below under **Basis for proposed permit conditions.**

Description of the activity to be authorized by the permit

This proposed permit would authorize discharges of storm water associated with the clearing, grading, and excavation activities associated with this construction activity, subject to the conditions of this permit, including the development and implementation of an effective storm water pollution prevention and storm water management plan.

Following final stabilization of the disturbed areas, coverage under this permit must be terminated through the submission of a Notice of Termination (NOT).

Type and quantities of wastewater and pollutants to be discharged

Construction sites exposed to storm water runoff (rainfall and snowmelt) can result in soil erosion and offsite transport of sediment, particularly if these sites are not properly managed through implementation and maintenance of sound erosion and sediment control practices. In addition, if construction sites are not properly managed, other construction-related wastes can be discharged in storm water.

Basis for proposed permit conditions

The EPA general permit effective in other Regions requires the development and implementation of site-specific storm water pollution prevention plans to control the discharge of pollutants in construction site storm water runoff. The pollution prevention plan approach emphasizes management practices to minimize soil erosion and prevent sediment from leaving the site during construction, and to prevent other materials from entering the storm water or from being discharged to receiving waters.

State-issued general permits have been issued across the country requiring storm water pollution prevention plans or other storm water management techniques similar to those in the EPA general permit to control the discharge of pollutants related to construction activities. Numerous local authorities have established erosion and sediment control practices as the preferred method for preventing storm water pollution from construction sites.

Based on the best professional judgment of EPA, and in recognition of the wide application of erosion and sediment control practices, this approach has been adopted in this proposed permit as the best available technology economically achievable (BAT) and the best conventional pollutant control technology (BCT) for this discharge pursuant to Section 301(b)(2) of the CWA. In addition, other requirements to prohibit non-storm water discharges have been adopted.

In order to meet the water quality-based requirements of Section 301(b)(1)(C) of the CWA, the permit requires the permittee's SWPPP to control discharges necessary to meet applicable water quality standards, including tribal water quality standards approved by EPA. Discharges must protect applicable water quality standards for receiving waters within Indian country, and State water quality standards for waters leaving Indian country.

Relationship to other State and Tribal Programs

EPA implements the Federal Clean Water Act within Indian country in the State of Wisconsin. The Oneida Nation and the State have informed EPA that they are carrying out their own non-Federal joint program regarding storm water discharges on the Oneida reservation. To learn more, interested persons should contact the Tribe and State. Compliance with non-federal program requirements does not relieve potential permittees from the responsibility of obtaining federal permit coverage.

Specific discussion of various sections of the general permit follow:

Part I. Coverage under this Permit**A. Permit Area**

The permit area is restricted to Indian country within the State of Wisconsin, including but not limited to areas within the exterior boundaries of the following Indian reservations:

1. Bad River Indian Reservation
2. Forest County Potawatomi Indian Reservation
3. Ho-Chunk Nation Indian Reservation
4. Lac Courte Oreilles Indian Reservation
5. Lac Du Flambeau Indian Reservation
6. Menominee Indian Reservation
7. Oneida Indian Reservation
8. Red Cliff Indian Reservation
9. Sokaogon (Mole Lake) Indian Reservation
10. St. Croix Indian Reservation
11. Stockbridge-Munsee Indian Reservation

This permit area is intended to compliment permitting activities outside of Indian country in Wisconsin which are covered under the general permit issued by the Wisconsin Department of Natural Resources.

B. Eligibility

This general permit authorizes all storm water discharges from construction activities except those excluded under Limitations of Coverage (Part I.B.3) and Special Conditions, Management Practices, and Other Non-Numeric Limits (Part III). Any discharge authorized by a different NPDES permit may be commingled with discharges authorized by this permit.

Endangered Species Act

When developing the SWPPP, the permittee should follow the procedures in Addendum A to determine his or her (or the permittee's) eligibility for permitting with regard to protection of endangered species. This section is based upon the EPA general storm water permit issued on February 17, 1998. Addendum A of the proposed permit includes a website where the names of Federally-listed threatened and endangered species are listed by county in Wisconsin. (For more information please see the Federal Register notices dated June 2, 1997, (proposed general permit, 62 FR 29785) and February 17, 1998, (Final general permit, 63 FR 7558).

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires that Federal Agencies consider the impact of their undertakings on historic properties. The issuance of this general permit is considered a Federal undertaking, and EPA has consulted with the Wisconsin State Historical Society, Tribal Historic Preservation Officers and representatives of Wisconsin Tribes in the development of permit conditions to address potential impacts to historic properties. EPA believes that the activities related to the discharges authorized by the general permit, which include construction activities disturbing more than 1 acre, and the permit area covered under the permit, which includes Indian country within the State of Wisconsin, warrant careful consideration of historic properties at proposed construction sites where permit coverage is being sought. Construction activities by their very nature have a high potential to affect archaeological properties, and the location of such activities within Indian country raises the possibility that tribal artifacts, among other properties with historic value, may be adversely affected.

In order to adequately plan to eliminate or minimize the possibility for damage to historic properties, the proposed permit requires persons wishing to conduct construction activities in Indian country to coordinate with the State Historic Preservation Officer (SHPO) located within the Wisconsin State Historical Society, the Tribal Historic Preservation Officer (THPO) or tribal government where no THPO has been designated for the specific tribe regarding the presence of historic properties on how best to comply with the conditions of the permit. The applicant must provide evidence of prior screening for the presence of historic properties and coordinate with the relevant official(s) to develop a mitigation plan, as needed, consistent with the procedures regarding coordination with local officials described at §§ 800.4-800.6 of the National Historic Preservation Act regulations which shall act as a guide for the coordination process.

Specifically, the applicant must:

1. Notify the SHPO, THPO, or tribal government in writing regarding the proposed construction project. This notification should include a site map indicating the construction boundaries which will assist in defining of the area of potential affects.
2. Seek information on existing and potential historic properties within the area of potential affects. This information may come from the relevant official(s), individuals or organizations with knowledge or concerns with historic properties.

3. Identify historic properties using the information gathered in items 1 and 2. The applicant shall make a reasonable and good faith effort to coordinate with the relevant official(s) in the identification of historic properties, which may include background research, oral history interviews, sample field investigations and field investigations.
4. Coordinate with the relevant official(s) to evaluate the historic significance of each property identified by applying the National Register criteria. If the applicant and relevant official(s) determine that there are no historic properties meeting the National Register criteria in the area of potential effects, the applicant meets the eligibility requirement for permit coverage. If historic properties are located within the area of potential effects, then any effects on those properties must be evaluated.
5. Coordinate with the relevant official(s) to assess whether any effects meet the criteria of adverse effects. If the applicant and the relevant official(s) determine that there are no adverse effects on historic properties, the applicant meets this eligibility requirement for permit coverage. If there are adverse effects on historic properties, then those effects must be resolved.
6. Coordinate with the relevant official(s) to resolve any adverse effects on historic properties by developing, evaluating and implementing means to avoid, minimize or mitigate those effects.

If the applicant and the relevant official(s) reach agreement regarding the existence of any historic properties within the area of potential effects, the assessment of any effects on any such properties, and the resolution of any adverse effects, then the applicant meets the eligibility requirement. Failure of the relevant official(s) to respond within 30 days of receipt of any finding provided by the applicant shall be considered agreement of the relevant official(s) with that finding.

If the applicant and the relevant official(s) are unable reach agreement regarding a particular finding, EPA will consult with the parties on a case-by-case basis to resolve the disagreement. If the issue cannot be resolved, the applicant may not be eligible for permit coverage under the general permit, and EPA will inform the applicant of any need to apply for an individual permit.

The permittee must retain documents reflecting results of this coordination process as well as any measures or plans agreed upon during the process.

Note: EPA strongly encourages applicants to begin to address issues related to both endangered species and historic properties at least 90 days prior to starting any construction activities. (See attached Check List for Construction Site Operator).

C. Obtaining Coverage

To obtain authorization to discharge under the general permit, an operator must develop a storm water pollution prevention plan (SWPPP) and then submit a complete and accurate Notice of Intent (NOI) form. Storm water discharges are authorized two days after the date the NOI is postmarked.

D. Terminating Coverage

After the construction site has been stabilized, the permittee must submit a Notice of Termination (NOT) form to terminate coverage under the general permit.

E. Waivers for Small Construction Sites

Sections 122.26(b)(15)(i)(A) and (B) of the Storm Water Phase II Regulations provide two waivers for storm water discharges from small construction sites.

Rainfall Erosivity Waiver

The Director may waive the requirements of a permit if the value of the rainfall erosivity factor ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The rainfall erosivity factor is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997. Copies may be obtained from EPA's Water Resource Center, Mail Code RC4100, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

This waiver is intended to exempt the requirements for a permit when and where negligible rainfall/runoff-erosivity is expected, such as in arid regions of the country. This waiver is time-sensitive and is dependent on when during the year a construction activity takes place, how long it lasts, and the expected rainfall and intensity during that time. For the purposes of calculating this waiver, the period of construction activity starts at the time of initial ground disturbance and ends at the time of final stabilization. The operator must submit a written certification to the Director that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five. EPA may determine, using Handbook 703, which times during the year, if any, the waiver opportunity is available. Additional information on this waiver can be found in federal register notice for the Phase II Final Rule (64 FR 68774).

Water Quality Waiver

The Director may also waive the requirements of a permit if storm water controls are not needed based on a "total maximum daily load" (TMDL) approved or established by EPA that addresses the pollutant(s) of concern or, for non-impaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on

consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. Pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the Director that the construction activity will take place, and storm water discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis. Additional information on this waiver can be found in the Phase II Finale Rule (64 FR 68776).

Part II. Notice of Intent Requirements

A. Deadlines for Submittal

All applicants requesting coverage under the NPDES general permit for discharges of storm water associated with construction activities must submit a complete and accurate NOI form. Discharges are authorized two (2) days after the date the NOI is postmarked.

B. Contents of Notice of Intent

Region 5 is proposing to use the Notice of Intent forms developed for use with the National storm water general permits issued in other Regions.

C. Where To submit

Dischargers seeking coverage under this permit must submit NOIs to the Headquarters NOI Center at the following address:

Storm Water Notice of Intent (4203)
US EPA
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Copies of the NOI will also be sent to the Region 5 Office and to the Tribe listed in Addendum B of the permit where the construction activity occurs.

Part III. Special Conditions, Management Practices, and Other Non-Numeric Limitations

The general permit authorizes storm water discharges from construction activities. The discharge must be in compliance with the following sections.

A. Prohibition on Non-Storm Water Discharges

The permittee is not authorized to discharge non-storm water, except for the specific classes of

non-storm water discharges described in the permit.

B. & C. Releases in Excess of Reportable Quantities and Spills

The permittee must prevent or minimize the discharge of hazardous substances or oil from the site.

D. Discharge Compliance with Water Quality Standards

The permittee is not authorized to discharge in a manner that the Director determines will contribute to or cause non-attainment of applicable water quality standards.

E. Responsibilities of Operators

This section describes the different types of operators and their responsibilities under the permit.

Part IV. Storm Water Pollution Prevention Plans

The Storm Water Pollution Prevention Plan (SWPPP) must be developed for each construction site. The plan is key to successful erosion and sediment control and must be developed using good engineering practices.

A. Deadlines for Plan Preparation and Compliance

The SWPPP must be completed prior to submission of the NOI and provide for compliance with the terms and schedule of the SWPPP beginning with initiation of the construction activities.

B. Signature, Plan Review and Making Plans Available

The SWPPP must be signed in accordance with Part VII.G of the permit (signatory requirements). The permittee must also post a notice near the entrance of the construction site with the permit number, contact person's name and number, a brief description of the project and the location of the SWPPP. If the SWPPP cannot be kept on site, the permittee must make it accessible to the public. EPA does not review and approve SWPPPs as a prerequisite to coverage under the general permit. By signing the NOI, the operator certifies that he is in compliance with the conditions of the permit.

C. Keeping Plans Current

The permittee must amend the SWPPP if there is a significant change in design, construction, operation, or maintenance, or for changes as a result of inspections or investigations.

D. Contents of the Plan

This section was developed for consistency with the Land Disturbing Construction Including Clearing, Grading and Excavating Activities Which Will Result In The Disturbance of Five Or More Acres issued by the Wisconsin Department of Natural Resources on August 27, 2001.

Requirements of the permit relating to construction site erosion and sediment control have been developed by the WDNR for use under its general permit and approved by EPA. Use of similar standards in the permit proposed to be issued by EPA Region 5 will help to promote consistency of practices undertaken within Indian country under the EPA Region 5 permit, with practices carried out in other parts of the state. Applicants are recommended to use the construction site minimum control measure in EPA's menu of Best Management Practices and Storm Water Management for Construction Activities: Developing Pollution Prevention Plans And Best Management Practices (10/01/92). Both documents are located on the EPA Office of Water webpage at (www.epa.gov/npdes/menuofbmeps/post.htm) and (http://cfpub1.epa.gov/npdes/doc.cfm?document_type_id=1&view=Policy), respectively.

The proposed general permit requires the development and implementation of a construction site erosion control plan. The plan must at a minimum, contain:

1. A description of the construction site, including:
 - (a) Description of the construction activity,
 - (b) Description of the intended sequence of major activities which disturb soils,
 - (c) Estimates of the total area expected to be disturbed,
 - (d) Estimates of the runoff coefficient of the site before and after construction activities are completed,
 - (e) Existing data describing the surface soil as well as subsoils,
 - (f) Name of immediate identified receiving water.
2. Site Map Requirements, including:
 - (a) Existing topography and drainage patterns, roads and surface waters;
 - (b) Boundaries of the construction site;
 - (c) Drainage patterns and approximate slopes anticipated after major grading activities;
 - (d) Areas of soil disturbance
 - (e) Location of major structural and non-structural controls identified in the plan;
 - (f) Locations of areas where structural practices will be employed;
 - (g) Areas which will be vegetated following construction; and
 - (h) Wetlands, area and extent of wetland acreage on the site and locations where storm water is discharged to the surface water or wetland.
3. Description of appropriate controls and measures that will be performed at the site to prevent pollutants reaching waters of the United States, and the timing during the construction process during which the measures will be implemented. The description of erosion controls shall include consideration of the following minimum requirements:
 - (a) Interim and permanent stabilization practices, and schedule;

- (b) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site;
 - (c) Management of overland flow at all sites, unless otherwise controlled by outfall controls;
 - (d) Trapping of sediment in channelized flow;
 - (e) Staging construction to limit bare areas subject to erosion;
 - (f) Protection of down slope drainage inlets where they occur;
 - (g) Minimization of tracking at all sites;
 - (h) Clean up of off-site sediment deposits;
 - (i) Proper disposal of building and waste material at all sites;
 - (j) Stabilization of drainage ways;
 - (k) Installation of permanent stabilization practices as soon as possible; and,
 - (l) Minimization of dust to the maximum extent practicable.
4. A prohibition against solid materials, including building materials, that may be discharged in violation of applicable laws.
 5. A requirement that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).
 6. A provision explaining that the Director may, upon request of a permittee or upon finding of just cause, grant modifications to the compliance and reporting schedules or any requirements of a storm water discharge permit.
 7. A requirement that all erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections required by Part IV.D.8. identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.
 8. The permittee shall:
 - (a) Conduct the following inspections:
 1. Weekly inspections of implemented erosion and sediment controls; and
 2. Inspection of erosion and sediment controls within 24 hours after a precipitation event of 0.5 or greater which results in runoff during active construction periods.
 - (b) Maintain weekly written reports of all inspections by or for the permittee that include:
 1. The date, time and exact place of the inspection;

2. The name of the individual conducting the inspection;
 3. An assessment of the condition of the erosion and sediment controls;
 4. A description of any sediment and erosion control implementation performed; and
 5. A description of the present phase of the construction at the site.
9. Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 or 3 of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWPPP. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
 10. The SWPPP shall clearly identify the contractor(s) which will install and maintain erosion control and storm water management measures. This information may be added to the SWPPP after the NOI has been submitted to the EPA. It must be included in the SWPPP prior to commencement of land disturbing activities.

Part V. Storm Water Management Plan Requirements

These sections are based upon the WDNR general storm water permit issued on August 27, 2001. The purpose of the storm water management plan is to control post-construction storm water discharges from rooftops, parking lots, grassed areas and other places where storm water may come into contact with pollutants.

A. Practices During Construction

The storm water management plan will include a description of the BMPs used to control discharges of storm water. The permittee is encouraged to use practices that increase on-site infiltration.

B. Long Term Practices

Long term maintenance of storm water management practices should be made either with the associated Tribe through an agreement or alternative mechanism documented and submitted with the Notice of Termination.

C. Management Practices

This section discusses management practices used to control impacts from runoff volume and associated pollutants.

Part VI. Retention of Records

A. Documents

The operator shall retain copies of all monitoring information, copies of all reports and plans required by the permit, and records of all data used to obtain coverage under the permit. Generally, all reports, plans and information used to obtain permit coverage must be retained for at least three years after completion of the construction project.

B. Accessibility

The permittee must retain a copy of the SWPPP and the SWMP required by the permit at the construction site (including a copy of the permit language) at the construction site (or a local location accessible to the Director and the public).

C. Addresses

The address for all written correspondence is:

NPDES Programs Branch (WN-16J)
EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Part VII. Standard Permit Conditions

The permittee must comply with the Standard Conditions described in this Part required by Federal Regulations codified at 40 CFR 122.41, and any noncompliance constitutes a violation of the CWA and is grounds for an enforcement action.

Part VIII. Reopener Clause

The permit may be modified or reopened to include different requirements.

Part IX. Termination of Coverage**A. Notice of Termination**

Following final stabilization of the disturbed areas, coverage under this permit must be terminated. The permittee must submit a Notice of Termination form as specified in Part I.D.2 of the permit.

B. Addresses

The NOT must be submitted to the US EPA at the address below.

Storm Water Notice of Intent (4203)
US EPA
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Copies of the NOT will also be sent to the Region 5 Office and to the Tribe listed in Addendum B of the permit where the construction activity occurs.

Part X. Definitions

This Part contains the definitions of statutory, regulatory and other terms important to understanding the permit and its requirements.

Addendum A: Endangered Species

Procedures for complying with the conditions of the permit relating to the Endangered Species Act were developed in consultation with the United States Fish and Wildlife Service.

Addendum B: State and Tribal Historic Preservation Officers and Tribal Environmental Staff

Lists the State Historic Preservation Officer, Tribal Historic Preservation Officers for those tribes that have them, and Tribal Environmental staff for each Wisconsin Tribe.

Addendum C: Notice of Intent Form

Provides information on how to obtain the Notice of Intent (NOI) form.

Addendum D: Notice of Termination Form

Provides information on how to obtain the Notice of Termination (NOT) form.

Procedures for reaching a final decision on the proposed permit

Comment period: Interested parties may submit written comments on the proposed permit within 30 days of the date of the public notice. Comments should be delivered or mailed to:

NPDES Programs Branch (WN-16J)
Attention: Brian C. Bell
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Interested parties may also send electronic comments via E-mail to: bell.brianc@epa.gov

Public Meetings/Hearing: EPA will hold a series of public meetings and a Public Hearing to be announced in the Notice of Availability, one or more newspapers of general circulation within the state, and on the Region 5 NPDES Website.

For additional information: Please contact Brian Bell at the above address or by calling (312) 886-0981.

Check List for Construction Site Operator
How to Obtain Coverage under an Storm Water General Permit

Applying for authorization under the permit:

- ☐ Determine if the construction activities will disturb five acres or greater of land. If so this is a Phase I activity, which requires a permit prior to starting construction activities (Part I.B.1.a.)
- ☐ Determine if the construction activities will disturb between one and five acres of land. If so, this is a Phase II activity which will require permit coverage by 3/2003 (Part I.B.1.b.)
- ☐ Determine if the construction site is located within Indian country in the State of Wisconsin. If so, coverage under this permit is generally appropriate. For projects outside of Indian County, applicants should contact the WDNR (Part I.A.)
- ☐ Read the Fact Sheet of the Storm Water General Permit for Construction Activities
- ☐ Read the Storm Water General Permit for Construction Activities
- ☐ Determine if there will be any non-storm water discharges. This permit does not authorize discharges that are mixed with non-storm water, other than those discharges identified in Part III.A.2. or 3. and Part IV.D.9 (Part I.B.3.)
- ☐ Contact the USFWS and the tribe. EPA suggests at least 90 days prior to beginning construction activities, to consult with these entities regarding possible impacts to endangered species related to the construction project. (Part I.B.3.e. and Addendum A)
- ☐ Contact the THPO, or SHPO/Tribe. EPA suggests at least 90 days prior to beginning construction activities, to begin consultation with these entities to meet NHPA requirements (Part I.B.3.f.)
- ☐ Comply with the requirements of Responsibilities of Operator in accordance with Part III.E. of this permit
- ☐ Develop a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of Part IV, and prior to the submittal of a NOI
- ☐ Include the ESA mitigation plan in the above SWPPP, if applicable (Part IV)
- ☐ Include the NHPA mitigation plan in the above SWPPP, if applicable (Part IV)
- ☐ Implement the terms and schedule of the SWPPP required prior to the initiation of construction activities (Part IV.A.)
- ☐ Submit a NOI form to EPA Processing Center, Regional office and Tribe in accordance with the requirements of Part II, after meeting the above requirements, at least 48 hours prior to the commencement of construction activities

Complying with the terms of the permit

- ☐ Comply with all conditions of the permit, including implementation of the SWPPP
- ☐ Complete final stabilization in accordance with the requirements of Part X.I. of this permit
- ☐ Submit a NOT form to EPA Processing Center in accordance with the requirements of Parts I.D. and IX, after completing final stabilization, in order to terminate coverage under this permit.

Other Considerations

1. This permit does not authorize storm water discharges that will not comply with applicable water quality standards. This permit does not authorize storm water discharges associated with construction activities that have been covered under an individual permit (Part I.B.3.d and c)
2. This permit does not authorize the discharge of hazardous substance or oil resulting from an on-site spill. (Part III.C.)
3. This permit does not authorize storm water discharges that originate from the site after construction activities have been completed. If you believe such a permit may be required (Part I.B.3.a., such as for ongoing operation of an industrial activity), contact the following address:

NPDES Programs Branch (WN-16J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604